

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 1970 of 1984

Date of decision: 15-9-1998

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

G S R T C

Versus

MINOR KANJIBHAI BHIKHABHAI THRO' BABUBHAI KANJIBHAI

Appearance:

Ms. Maya Desai for MR MD PANDYA for the appellant
MR Manoj Popat for Respondent No. 1
None present for Respondent No. 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 15/09/98

ORAL JUDGEMENT

Heard the learned counsel for the parties.

This is an appeal by the Gujarat State Road Transport Corporation against the award of the Motor Accident Claims Tribunal (Main) at Bhavnagar, in M.A.C.Petition No.227of 1982. Under the impugned award the claim petition filed by the claimant respondent No.1 was partly allowed and Rs.91,800/- was awarded by way of compensation to the claimant respondent together with interest at the rate of 6% per annum from the date of application till realisation with proportionate cost thereon. This compensation is awarded for the injury which has been sustained by the claimant respondent- a four year old boy.

2. As per the expert medical opinion of Dr. Parikh at Exh.25, the claimant respondent No.1 sustained the following injuries:

1. Amputation of left thumb through carpo-metacarpal joint.
2. Amputation of left index finger through metacarpo phalangeal joint.
3. Left wrist goes in ulnar deviation.
4. 70 degree loss of palmer flexion at left wrist.
5. Amputation of right little finger through metacarpol phalangeal joint.
6. Evidence of skin grafting on left hand.

The break up of the compensation awarded to the claimant respondent is as under:

Rs. 700/-	for purchase of medicines and medical treatment.
Rs. 3,600/-	for nursing costs.
Rs. 1,300/-	for transport charges.
Rs. 1,200/-	for past economic loss suffered by father.
Rs. 60,000/-	for prospective economic loss.
Rs. 25,000/-	for non-economic or personal loss.

Rs. 91,800/-	Total

3. The learned counsel for the appellant has only challenged the award of compensation under two heads i.e. prospective economic loss and non-economic loss or personal loss. The contention is that the income of the boy of four years has been taken to be towards higher side. The second contention is raised that the multiplier 20 applied is also towards higher side. It is true that the claimant - respondent No.1 was at the time of accident 4 years old. But it is equally true that he virtually became a crippled (qua left upper limb) person and in future his prospective income will be materially affected because of the injury sustained by him in the motor vehicle accident. After going through the award I am of the opinion that this income taken of this boy appears to be towards lower side. Similarly, the multiplier of 20, though slightly may be on the higher side, but still, taking into consideration the totality of the facts of this case no interference on this count is also called for. The dictum figure of economic loss taken to be Rs.3000/- on the basis of taking his monthly loss of Rs.250/- is hardly towards higher side. Similarly the award of Rs.25,000/- under the head 'non-economic or personal loss' also does not call for interference. Taking into consideration the totality of the facts of the case I do not find any merit in the appeal.

4. In the result the appeal is dismissed with no order as to costs.

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